

AGRICULTURE DEPARTMENT

The 22nd June, 1978

No. 3326-Agr.I(2)-78/10809.—The Governor of Haryana is pleased to extend the term of the State Level Rodent Control Committee, constituted,—vide this Department notification No. 10192-Agr. I(2)-77/21080, dated 23rd December, 1978, for a period of another one year, i. e., up to 31st March, 1979, for chalking out a concrete programme for the eradication of Rat Menace from the fields, stores and houses to minimise the possibility of migration of rats from one sphere to another, consisting of the following members :—

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| (1) Agriculture Minister, Haryana | Chairman |
| (2) Secretary, Food and Supplies | Member |
| (3) Secretary, Agriculture | Do |
| (4) Director of Health Services | Do |
| (5) Chairman/Farmers Forum or his Representative | Do |
| (6) Chairman, Marketing Board | Do |
| (7) Director of Agriculture | Member-Secretary |

2. The Committee shall meet once in six months. The Headquarter of the Committee shall be at Chandigarh. The official members of the Committee shall draw their travelling allowance and daily allowances from their respective departments. The Travelling/Daily Allowance of the Chairman, Farmers' Forum will be borne by the Krishi Smaj and those of the Chairman, Marketing Board by the Agriculture Department out of the Budget Head "305—Agriculture".

3. This issues with the concurrence of the Finance Department as conveyed,—vide their U.O. No. 49/2/78-4FDI-78, dated the 17th June, 1978.

L. D. KATARJA, Secy.

EDUCATION DEPARTMENT

The 27th February, 1978

No. 35(12)-78/4827-Ed.II-5E-78/ —In partial modification of para 4 of notification issued,—vide Haryana Endst. No. 11798-Ed. II-5E-77/28983, dated the 29th September, 1977, the Governor of Haryana is pleased to order that the State Advisory Committee on Education will meet of the every three months.

M. SETH,

Education Commissioner & Secy.

EDUCATION AND LANGUAGES DEPARTMENT

The 27th June, 1978

No. 10/14-78-Edu-I(3).—In exercise of the powers conferred by section 3 of the Haryana Official Language Act, 1969, the Governor of Haryana is pleased to substitute clause Nos. 2, 3 and 13 of Haryana Government Notification No. 10/14/78-Ed-I(3), dated 25th January, 1978, respectively, as under:—

2. All correspondence addressed to the Accountant-General, Haryana, or to the Examiner, Local Fund Accounts, Haryana, including documents like posting and transfer orders, orders sanctioning leave sanctions regarding creation of posts, sanction regarding special pay, etc., and Reports, Returns, Registers, Record, required by the Accountant-General or the Examiner, Local Fund Accounts to be kept, maintained and written in English.
3. All correspondence with non-Hindi speaking States except Punjab, Maharashtra and Gujrat.
13. Deeds and instruments to be executed by an behalf of the Life Insurance Corporation, Haryana Financial Corporation and Haryana State Industrial Development Corporation.

G. V. GUPTA, Secy.

OFFICE OF THE FINANCIAL COMMISSIONER, HARYANA, CHANDIGARH

CORRECTION SLIP

No. 1(H) Standing Order No. 28, Chandigarh, dated the 21st June, 1978

Standing Order No. 28(1952 Edition)

Paragraph 17(III)

In the first line the words "The Collector" be substituted for the words "the Collector of the district in which the land is situated".

Paragraph 30(1)

In fifth line of para 30(1) the word "Collector" be substituted for the words "Collector of the District".

LABOUR DEPARTMENT

The 9th June, 1978

No. 12(51)-78-4Lab/1129.—Whereas the person having control over the affairs of M/s Bata India Ltd., Faridabad, have requested for grant of exemption from the provisions of section 79 of Chapter VIII of the Factories Act, 1948 (Central Act No. 63 of 1948), relating to annual leave with wages;

And whereas the Governor of Haryana is satisfied that the leave rules applicable to the workers in the said factory provide benefits which are not less favourable than those for which Chapter VIII of the Factories Act, 1948 (Central Act No. 63 of 1948), makes provisions.

Now, therefore, in exercise of the powers conferred by section 84 of the Factories Act, 1948, the Governor of Haryana hereby exempts M/s Bata India Ltd., Faridabad, from the provisions of section 79 of Chapter VIII of the said Act, relating to annual leave with wages for the period from 1st January, 1977 to 31st December, 1979, subject to the condition that this exemption shall not be applicable to the casual workers of this factory.

The 20th June, 1978

No. 11(112)-3Lab-78/5526.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak; in respect of the dispute between the workmen and the management of M/s Hans Metal Industries, Jagadhri:

BLFORE SHRI MOHAN LALJAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,

Reference No. 43 of 1975

Between

SHRI JOGA RAM WORKMAN AND THE MANAGEMENT OF M/S HANS METAL INDUSTRIES, JAGADHRI

AWARD

By order No. ID/AMB/275-C-75/35907-11, dated 19th June, 1975, the Governor of Haryana referred the following dispute between the management of M/s Hans Metal Industries, Jagadhri, and its workman Shri Joga Ram, to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Joga Ram, was justified and in order? If not, to what relief is he entitled.

The parties put in their appearance in this Court in response to the usual notices of reference served on them and filed their pleadings giving rise to the following issues framed by me,—vide order dated 19th July, 1976 :—

1. Whether the reference is bad in law for the preliminary objection taken up by the management,—vide their written statement?

2. Whether the workman had been employed by the management on casual daily payment basis, if yes to what effect?
3. Whether the workman abandoned his job of his own accord in February, 1975?
4. In case of non proof of issue No. 3, whether the termination of services of Shri Joga Ram was justified and in order? If not, to what relief is he entitled?

Shri Surinder Kumar authorised representative of the workman concerned made a statement before me on 24th May, 1978, at Ambala Cantt that the demand raised by the workman concerned on the management had been settled by way of a mutual amicable agreement entered into between the parties and that the workman was now not interested in pursuing the same giving rise to the reference.

It would thus appear from the statement of Shri Surinder Kumar that the demand raised by the workman on the management has been fully satisfied and there is now no dispute between the parties requiring adjudication. I, hold accordingly and answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 25th May, 1978

No. 1395, dated 27th May, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 11(112)-3Lab-78/5649.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Motoren Industries, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 162 of 1975

Between

SHRI JAI NAND SINGH WORKMAN AND THE MANAGEMENT OF M/S MOTOREN
INDUSTRIES, FARIDABAD

Present.—Shri Madhu Sudan Saran Cowshish, for the workman.

Shri R.C. Sharma, for the management.

AWARD

By order No. ID/FD/20-A-75/62498, dated 29th September, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Motoren Industries, Faridabad, and its workman Shri Jai Nand Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d), sub section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Jai Nand Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 10th February, 1976 :—

- (1) Whether this reference is barred on principle of *res judicata*?
- (2) Whether Shri Jai Nand Singh was a workman within the definition of this term as given under section 2(s) of the Industrial Disputes Act ?
- (3) Whether this reference is barred for the preliminary objections taken up by the management ?
- (4) Whether the termination of services of Shri Jai Nand Singh was justified and in order ? If not, to what relief is he entitled ?

My learned predecessor decided issues Nos. 1 and 2,—*vide* his order dated 9th July, 1976 and then notices were given to the parties. The parties thereafter led their evidence and closed their case. The management examined as many as five witnesses and the workmen examined as many as 4 witnesses. Then the case was fixed for arguments. Arguments were heard at length. The parties even filed their written arguments. I have considered all evidence of the parties, oral as well as documentary. I have also gone through the enquiry proceedings and the enquiry findings. I, therefore, decide issuewise.

Issue No. 3.—This issue relate to preliminary objections taken up by the management. The objections relate to an award passed by the Presiding Officer of the Labour Court about whom the Hon'ble the High Court for Punjab and Haryana held that he was not properly appointed and thereafter another reference was made which was decided by the Industrial Tribunal and that this is the third reference which can not proceed on account of being bad in law as the two previous references have been decided this way or that way. Then there is a plea of *res judicata* and that the claimant is not a workman. Another plea is that there is much delay in raising the demand. Another plea is that the Government have failed to express their opinion as to how they formed their opinion in favour of the reference and that it is a case of dismissal and not of termination of service. Although Shri P. N. Thukral had decided the previous reference but that award had been quashed by the Hon'ble the High Court for Punjab and Haryana at Chandigarh,—*vide* their order dated 11th April, 1975 civil writ No. 3619 of 1968, holding that Shri P.N. Thukral, acting as Presiding Officer, Labour Court, Faridabad was not duly appointed as such. Hence the award of Shri P. N. Thukral was not a competent award and therefore this plea of the management does not appeal to me that this reference cannot proceed for that reason. Another plea of the management is that the Presiding Officer, Industrial Tribunal, Haryana, Faridabad Shri O.P. Sharma, my learned predecessor had rejected the earlier reference. He rejected the reference for the reasons that the above-said writ petition was pending before the Hon'ble the said High Court for Punjab and Haryana. He did not decide the case on merits. Therefore, also this plea of the management does not appeal to me as there has been no award on merits. As far as plea of *res judicata* is concerned, this reference is not barred, as there has been no award on merits by the competent authority, although the cause of action is the same. Whether the claimant is a workman or not, has been decided by my learned predecessor under issue No. 2—*vide* the abovesaid order. Other pleas of the management are also not sustainable. The plea of delay in raising the demand is not sustainable, because the Hon'ble the High Court for Punjab and Haryana passed their order in the abovesaid Writ petition on 11th April, 1975 and thereafter the workman raised the demand,—*vide* demand notice dated 17th May, 1975. As far as the forming of opinion by the Government is concerned it is up to the Government to form an opinion. Until and unless *malafide* is proved by the objectionist, the reference is bona fide. The plea regarding "difference between dismissal and termination" is concerned, it is a technical thing and is not such as can throw away the reference. I, therefore, decide issue No. 3 against the management.

Issue No. 4.—The management has examined Shri Gulab Singh, their Sales representative as M.W. 1 who proved Bills and vouchers Exhibit M-1 to M-16 and stated that the workman is running foundry in the name and style of Friends Corporation and Bir Foundry. He has identified the signatures of the workman on these bills and vouchers. The signatures of the workman concerned on these bills and vouchers are admitted even by the workman. The witness has deposed on the basis that he has been seeing the workman working there and trying to procure business. Exhibit M-17 is a chart prepared by M.W.2 showing the strength of workmen and staff employed by the management in this factory. The strength is varying from 68 to 98. M.W.3 deposed that he had been the foundry of the workman. He deposed that he, certain times, saw the foundry working. M.W.4 Shri V.N. Yadav is a Personnel Officer of M/s Dhanda Engineering Works who proved application of the workman for seeking employment with M/s Dhanda Engineering Works. He deposed that M/s Dhanda Engineering works dismissed the workman from their service as a result of domestic enquiry finding against the workman. He proved copy of charge-sheet Exhibit M-19 given to the workman by the said M/s Dhanda Engineering Works and demand notice Exhibit M-20. He also identified the signatures of the workman on Exhibit M-1 to M-16. He deposed from the records. Then there is evidence of M.W. 5 Shri E.F. Daniels, Manager in M/s Bolton India who had held the enquiry against the workman concerned. He proved the enquiry proceedings and documents produced in enquiry proceedings, and his findings. He stated that he has given all opportunities to the workman to cross-examine the witnesses for the management and lead his defence.

Then the case was fixed for the evidence of the workman. The workman examined himself as W.W. 1 who stated that he was a supervisor and supervised, the work done by 3/4 workmen. He admitted to have received

charge-sheet and to have given a reply thereto. He also admitted that domestic enquiry was held and Shri Daniel was the Enquiry Officer. He merely stated that Shri R.C. Sharma was representing the management in the enquiry but stated that he did not know whether Shri R.C. Sharma was practising law or not. He is stated that he had requested for his representation through some union leader but he was not allowed that. He admitted that he had signed every page of the enquiry proceedings and he knew Hindi writing as well as reading and he signed in English and that the enquiry proceedings were recorded in Hindi. He stated that he signed the enquiry proceedings without those being read over to him. He also admitted that he joined the service of 'M/s Dhandu Engineering Works but for 5/6 months only and that he was victimised for trade union activities. In cross-examination he stated that he was the President of the union and Shri Puran Chand was the Secretary. He did not give the list of the office bearers of the union. He further admitted that prior to the time he deposed before this Tribunal, he never told or stated any where that he was victimised for trade union activities. He further admitted that copies of day to day proceedings of the domestic enquiry were supplied to him that very day. He further admitted that he had produced defence witnesses also, although he did not remember their names. He stated that witnesses were not examined, only their statements were recorded. He further admitted that he received carbon copies of enquiry proceedings.

Then there is a statement of W.W. 2, Shri Bodh Raj who stated that the workman lived in his neighbourhood and he run the said foundry and got his bills and challans from the workman honoraria. He admitted the contents of Exhibit M-1 to M-16 in the hand writing of the workman concerned. He could not name any other person living in his neighbourhood who was literate. He, however, could not give even the names of the articles which got entered in Exhibit M-1 to M-16 by the workman concerned. He also could not remember if ever he told to the workman concerned to enter any particular amount in some of the bills or not. He also stated that he never got Exhibit M-1 to M-16 read over to him by any person. He further stated that the workman concerned also never read the contents of Exhibit M-1 to M-16 to him. W.W.3 is Shri Bhagwati Parshad who stated that the management had held the domestic enquiry against the workman and he deposed in that enquiry under threats of the management and he signed the written matters. He further admitted that Sarvshri Isaq Ali and Mistri Lal were working in Dye Rolling Mills. He stated that he left the services of the management of his own and the management did not terminate his services. He further denied that the workman had cross-examined him stating that the workman was not present.

Then there comes the evidence of W.W.4 Shri Amar Singh Sharma, President, who stated that Jain Nand Singh was the President of that union and he was the legal Secretary.

Now I discuss the evidence of witnesses of the parties.

When bills and vouchers Ex. M-1 to M-16 are in the hand of and signed by the workman concerned, I do not believe the statement the workman that he was not running the foundry. The statement of W.W.2 is merely to meet the defence of the workman. Assuming that the foundry was owned by M.W.2, how it could stand to reason that he even could not give the names of the articles entered on those bills and even the particular amount. In this connection the deposition of M.W.1 is reliable that the workman was running the foundry. Even M.W. 3 has stated that he had seen the foundry of the workman. Even the workman concerned has admitted these bills and vouchers in his hand. It is strange that the contents of these bills and vouchers are unknown to the alleged owner Shri Bodh Raj M.W.2.

Then I come to the evidence of Shri V.N. Yadav, M.W. 4 the enquiry officer whose statement is corroborated from the enquiry proceedings. Even the workman concerned as W.W.1 has admitted that enquiry was held. He signed every page of the enquiry proceedings. Carbon copies of the enquiry proceedings were given to him that every day. He know Hindi reading and writing and he signed in English. This statement of his that he signed without reading is not reliable as he knows Hindi. He has stated that he was victimised for trade union activities. But none of his witnesses has said so, although Shri Amar Singh as W.W.4 has stated that the workman was the President of the union but he has not stated that he was victimised for trade union activities. This statement of the workman is not believable. Moreover, neither the workman nor W.W. 4 Shri Amar Singh, President of the union at present have produced any union record. They have withheld the union record which goes against them on this point. The workman himself has admitted that he had produced defence witness also, which goes to show that he participated in the enquiry throughout.

Now I come to the arguments of the parties. Much emphasises has been laid on the point that Shri R.C. Sharma was the representative for the management in enquiry proceedings. What did it matter? The workman concerned has admitted in his statement that he did not know whether Shri R.C. Sharma was practising law. Be that as it may, the more fact that Shri R.C. Sharma was the representative for the management in enquiry proceedings could not and did not matter in any way. The enquiry proceedings, run in about 40 pages. In enquiry proceedings the enquiry officer has examined as many as seven witnesses for the management and the workman has examined as many as six witnesses. There is lengthy cross-examination of all the witnesses by the management as well as by the workman. I also cannot attach much importance to the statement of M.W. 3 Shri Bhagwati Parshad who stated, that the management although had held the domestic enquiry against the workman, but he had deposed therein under threats. Shri Bhagwati Parshad is no more in the employment of the management and when he states on 9th September, 1977 that he deposed under threats of the management, whereas he gave statement before the enquiry officer on 3rd December, 1966. Going through the enquiry proceedings, I

find that the workman has been allowed cross-examination of the witnesses for the management and he has actually done that and the cross-examination runs in pages. Similarly defence opportunity has been given to the workman concerned. He has examined six defence witnesses and those witnesses have also been cross-examined. Generally the witnesses for both the parties have been cross-examined at length.

I, therefore, hold that principles of natural justice have not suffered in the enquiry proceedings. Now I come to the findings of the enquiry officer. It runs in 8 pages and is based on the consideration of the evidence. He has discussed the evidence of the witnesses in his findings. He has found the workman concerned guilty of charges of misconduct under standing orders No. 30(10)(17)(30) and submitted his findings. I have also gone through the standing orders. Sub-clauses 10, 17, 30 are major misconduct and punishment of dismissal is provided in the standing orders on major misconduct. As far as the alleged award of Shri P. N. Thukral is concerned that has been quashed by the Honble the High Court for Punjab and Haryana, Chandigarh on the ground that Shri P. N. Thukral was not properly appointed, hence, that alleged award is no award in the eye of law and that is a nullity and I cannot consider that.

The representatives for the management as well as for the workman have cited several rulings and have filed written arguments, but on facts I have held that the enquiry proceedings are in accordance with principles of natural justice and the enquiry finding is based on evidence, therefore, both of them are not vitiated and the punishment meted out to the workman is warranted by the standing orders. I, therefore, decide issue No. 4 in favour of the management.

As a result of my findings on the issues, I answer the reference and give my award that the termination of services of Shri Jai Nand Singh, the workman concerned, was justified and in order. He is not entitled to any relief.

Dated 30th May, 1978.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 453, dated 3rd June, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 3rd June, 1978.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/5650.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s The Panipat Cooperative Sugar Mills, Limited, Panipat.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Application No. 18 of 1977 under section 33-A of the Industrial Disputes Act, 1947

between

SHRI KALI RAM, WORKMAN AND THE MANAGEMENT OF M/S THE PANIPAT COOPERATIVE SUGAR MILLS LIMITED, PANIPAT

Present:—

Shri Onkar Parshad, for the workman.

Shri Ranbir Singh and Shri Baij Nath, Superintendent, for the management.

AWARD

The complainant filed this complaint under section 33-A of the Industrial Disputes Act, alleging that the respondent has contravened the provisions of section 33 of the Industrial Disputes Act. The complaint

further mentioned that an application No. 8 of 1976 of the complainant was dismissed in default and that the representative of the complainant was in jail during emergency and the complainant did not like to point any other representative and that the complainant is a Cane Development Officer and is a workman.

Notices of the complaint were sent to the respondent. The respondent filed the reply. On the pleadings of the parties the following issues were framed on 10th January, 1978 and issue Nos. 1 and 2 were treated preliminary and the case was fixed for the evidence of the management respondent. The respondent examined Shri Baij Nath Sharma their office Superintendent as M.W. 1 who stated that the complainant had filed a civil suit which was pending. He produced copy of plaint and written statement filed in the civil suit. He stated that this matter had been referred to the Tribunal previously two times and had been dismissed. He produced a copy of order published in the Gazette, Ex. M-3 and closed their case.

Then the case was fixed for the evidence of the workman. The workman did not lead any evidence on the preliminary issues and gave a statement to that effect.

Then the case was fixed for arguments which was heard. I have gone through the entire evidence oral as well as documentary led by the respondent.

Issue No. 1.—The complainant did not lead any evidence. Ex. M-1 is a copy of the plaint filed by the complainant in civil court. The plaint brought for a declaration that the order dated 4th December, 1974 removing the complainant from service was void *ultra vires* and not binding on the complainant, and that the complainant be deemed to be in service of the respondent. Ex. M-2 is a copy of the written statement filed in that suit by the respondent controverting the pleas of the complainant. Ex. M-3 is Gazette publication of award in application No. 8 of 1976 under section 33-A of the Industrial Disputes Act. This was a complaint under section 33-A filed by this very complainant before this Tribunal which complaint was dismissed. In that complaint the representative of this complainant named Shri Gian Chand had appeared once for the complainant and thereafter he is stated that he had no instructions from the complainant and, therefore, did not want to pursue the matter. He had prayed for adjournment so that he might inform the complainant and could get letter of authority from him. On the next date he stated that he had inform the workman regarding date of hearing i.e. 15th December, 1976 but the complainant did neither and send letter of authority in his favour nor appeared. In that complaint the respondent had pleaded a notification of the Labour Department a: No. 4870-4Lab-76/23372, dated 19th August, 1976 containing an award of my learned predecessor in reference No. 2 of 1974 wherein my learned predecessor had found the complainant "not a workman". That notification had been published in *Haryana Government Gazette*, dated 31st August, 1976 at page 1371.

In view of the award mentioned above published in *Haryana Government Gazette*, dated 31st August, 1976 at page 1371, this Tribunal had dismissed that complaint No. 8 of 1976 made by this very complainant under section 33-A of the same cause of action. Issue No. 1 relates to bar of *res judicata*. I hold that the award in application No. 8 of 1976 published in *Haryana Government Gazette* dated 8th March, 1977 at pages Nos. 390, 391 constitutes *res judicata* as it is based on the consideration of the evidence produced by the management in that complaint consisting of the award of my learned predecessor in reference No. 2 of 1974 as mentioned above.

When my learned predecessor held in the year 1976 that the complainant is not a workman, I can in no way now hold that the complainant is a workman, as that award of my learned predecessor had become final. I, therefore, decide issue No. 1 in favour of the respondent.

Issue No. 2.—It is proved that the complainant had filed the suit and the suit was for seeking a declaration that the order of removal from service of the complainant was void, illegal and for treating the complainant continuously in service. The question now arises as to what is the effect of that suit in the present complaint. Although the complainant tried to seek relief in civil court as per the law of the land, but Industrial Disputes Act is a special enactment which had constituted special machinery for providing relief to the workmen. The workman cannot be debarred from seeking relief from this Tribunal under the Industrial Disputes Act. I, therefore, decide that the said suit has no effect on the present complaint.

Issue No. 3.—As far as relief is concerned the complainant is not entitled to any relief, as issue No. 1 has been decided in favour of the respondent. This complaint is barred by the rule of *res judicata*. Moreover, the complaint does not come within the purview of Industrial Disputes Act as my learned predecessor has held in reference No. 2 of 1974 that the complainant is not a workman and I have also dismissed his previous complaint on the consideration of the Award of my learned predecessor in the said reference No. 2 of 1974, although that award was *ex parte* but that award was based on some material i.e. on the award in reference No. 2 of 1974. When the complainant have been held not workman by my learned predecessor as mentioned above, this complaint of the complainant does not lie, the same is, therefore, dismissed. No order as to cost.

Dated 26th May, 1978,

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 454, dated 3rd June, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 3rd June, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/5800.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Snowtemp Engineering Company Ltd., Delhi Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 94 of 1977

between

SHRI VIR BHAN, WORKMAN AND THE MANAGEMENT OF M/S SNOWTEMP ENGINEERING COMPANY LTD., DELHI MATHURA ROAD, FARIDABAD

Present :—

Shri Bhim Singh Yadav, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/C-1038-77/23593, dated 17th June, 1977, the Governor of Haryana referred the following dispute between the management of M/s Snowtemp Engineering Company Ltd., Delhi Mathura Road, Faridabad and its workman Shri Vir Bhan to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Vir Bhan was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 8th September, 1977 :—

Whether the termination of services of Shri Vir Bhan was justified and in order? If not, to what relief is he entitled?

The case was fixed for the evidence of the management. The management examined their time office incharge Shri R. C. Chowhan as M.W. 1, who deposed that the workman was employed by them on 9th February, 1976 and the workman worked upto 25th June, 1976. Thereafter the workman remained absent upto 6th July, 1976. Thereafter his name was struck off the roll. On 7th July, 1976 when the workman attended the factory, he was told that his name has been struck off but he was given re-employed on the same date i.e., 7th July, 1976. He deposed that the workman was kept on probation for six months and the management terminated his services on 1st July, 1977, i.e., prior to six months of probation. He proved some documents also. The management then closed their case.

Then the case was fixed for the evidence of the workman who examined himself as W. W. 1 and deposed that he was appointed on 9th February, 1976 and his services were terminated on 1st January, 1977 and that he had remained un-employed thereafter.

Then the case was fixed for arguments which have been heard. The representative for the management argued that the workman was appointed on 7th July, 1977 on probation and they could terminate the services of a probation of their sweetwill as per their standing orders. The representative for the workman argued that the workman was appointed for the first time on 9th February, 1976.

I have considered the evidence of the parties oral as well as documentary. Even according to the management is that they re-employed the workman on probation for six months on 7th July, 1976 and terminated his services on 1st January, 1977, seven days prior to the period of probation expired. It is well settled law that the services of even a probationer can not be terminated before the expiry of a period of probation at the sweet-will of the employer. I, therefore, decide issue No. 1 against the management. I, therefore, answer this reference and give my award as follows :—

That the termination of services of Shri Vir Bhan, the workman concerned was neither justified nor in order. He is entitled to reinstatement with continuity of service and with full back wages.

NATHU RAM SHARMA,

The 2nd May, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 277, dated the 21st May, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

The 2nd May, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/5802.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Choudhary Metal Industries, Sector 6, Faridabad.

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 239 of 1976

between

**SHRI OM PARKASH TANAJA, WORKMAN AND THE MANAGEMENT OF M/S CHOUDHARY
METAL INDUSTRIES, SECTOR 6, FARIDABAD**

Present:—

Shri Roshan Lal Sharma, for the workman.

Shri R. S. Lakhotia, for the management.

AWARD

By order No. ID/FD/755-A-76/43393, dated 23rd November, 1976, the Governor of Haryana referred the following dispute between the management of M/s Choudhary Metal Industries, Sector 6, Faridabad and its workman Shri Om Parkash Tanaja to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Om Parkash Tanaja was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 7th April, 1977:—

- (1) Whether the workman raised the demand with the management at the appropriate time?
- (2) Whether the workman submitted his resignation on 1st September, 1976 of his own?
- (3) If issue No. 2 is not proved, whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?

When a letter was exhibited as M-1/A, another issue No. 4 was framed on 16th August, 1977.

- (4) Whether the letter of the workman concerned dated 1st September, 1976 purported to be resignation was procured by the management by coercion ?

The case was fixed for the evidence of the workman. The workman examined two witnesses one Shri Ram Phool as W. W. 1. and the other himself as W. W. 2. Then the workman closed his case.

Then the case was fixed for the evidence of the management. It was at this stage that a settlement was arrived at between the parties according to which the management paid a sum of Rs. 1,500 to the workman in cash before this Tribunal and the workman gave up his dispute. He also gave up his claim regarding reinstatement and re-employment. The settlement has been produced by the management before this Tribunal which had been admitted by the representative for the workman. The workman and his representative both of them have signed the settlement.

In view of the settlement, I give my award that the termination of services of Shri Om Parkash Tanaja was justified and in order. He is not entitled to any relief whatsoever.

NATHU RAM SHARMA,

Dated the 24th April, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 373, dated the 2nd May, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated the 2nd May, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/5814.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Gurgaon Porcelain Works, Gurgaon :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 77 of 1978

between

THE WORKMEN AND THE MANAGEMENT OF M/S. GURGAON PORCELAIN WORKS,
GURGAON

Present:—

Shri Sardha Nand, for the workman.

Shri N. Bakshi, for the management.

AWARD

By order No. 1D/GG/52-78/11137, dated 14th March, 1978, the Governor of Haryana, referred the following dispute between the management of M/s Gurgaon Porcelain Works, Gurgaon and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the workmen are entitled to grant of bonus for the years 1975-76 and 1976-77 ? If not, so with what details ?
- (2) Whether the workmen are entitled to any increase in wages ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appear. The representative for the workmen withdrew the dispute stating that the workman has received bonus at the rate of Rs 8.33% for the years 1976-77 and therefore, he withdraws the dispute regarding bonus for the year 1975-76 and for increase in wages, I, therefore, answer the reference, and give my award as follows:—

- (1) That the workmen are not entitled to grant of bonus for the year 1975-76, although they had received bonus for the year 1976-77 at the rate of 8.33%.
- (2) That the workmen are not entitled to any increase in wages. No details are necessary.

NATHU RAM SHARMA,

Dated the 24th May, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 435, dated 29th May, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated 29th May, 1978

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/5815.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Rattan Chand Harjas Rai (Mouldings) Private Limited, 54, Industrial Area, Faridabad N. I. T.

BEFORE SHRINATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 204 of 1976

between

SHRI BAGEDU PARSHAD WORKMAN AND THE MANAGEMENT OF M/S RATTAN
CHAND HARJAS RAI (MOULDINGS) PRIVATE LIMITED, 54, INDUSTRIAL AREA,
FARIDABAD N. I. T.

Present:—

Nemo for the workman.

Shri R. C. Sharma for the management.

AWARD

By order No. ID/FD/992-F-76/34594, dated 21st September, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Rattan Chand Harjas Rai (Mouldings) private Limited, 54, Industrial Area, Faridabad N. I. T. and its workman Shri Bagedu parshad, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Bagedu Parshad was justified and in order?
If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleading of the parties, the following issue were framed on 21st December, 1976:—

- (1) Whether the termination of services of Shri Bagedu Parshad was justified and in order? If not, to what relief is he entitled?
- (2) Whether the workman concerned was on probation and not a confirmed employee?

The case was fixed for the evidence of the management. The management examined Shri H. S. Chawla, their Factory Manager and Rattan Singh their Timekeeper and closed their case.

Then the case was fixed for the evidence of the workman. Thereafter negotiations for settlement started but the settlement was not arrived at. Again the case was fixed for the evidence of the workman for 17th January, 1978. On 17th January, 1978 the representative for the workman was not present. Some Lachhi Ram appeared for him and prayed for adjournment which was granted and the case was fixed for the 20th February, 1978. On 20th February, 1978 the representative for the workman was present but he stated that he was ill and therefore prayed for adjournment which was granted and the case was fixed for the evidence of the workman on 4th April, 1978. On 4th April, 1978 the representative for the workman again prayed for adjournment which was granted and then again the case was fixed for the evidence of the workman on 16th May, 1978. On 16th May, 1978 neither the workman nor his representative was present. The case was called thrice. Last time it was called on 1.15 P. M. but even then none appeared for the workman, it seems that the workman is not interested in pursuing his dispute. I, therefore, answer the reference and given my award as follows:—

That the termination of services of Shri Bagedu Parshad the workman concerned was justified and in order. He is not entitled to any relief.

NATHU RAM SHARMA,

The 24th May, 1978

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 434, dated 29th May, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 29th May, 1978

NATHU RAM SHARMA

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

G. V. GUPTA, Secy.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 15th May, 1978

No. 12(184)-78-6Lab. - The Governor of Haryana is pleased to constitute the District Committee on Employment Karnal consisting of the following members:—

- | | |
|---|---------------------------|
| 1. Deputy Commissioner, Karnal | Chairman |
| 2. - Principal, Dayal Singh College, Karnal | Employer's Representative |
| 3. General Manager, National Fertilizers, Ltd. Panipat or his representative, | Ditto |
| 4. Shri Lajja Ram Kashyap, President N.D.R.I. Employees Workers Union, Mazdoor Manzil, Karnal | Worker's Representative |
| 5. President Worker's Union Coop. Sugar Mill, Panipat | Ditto |
| 6. Shri Des Raj, M. L. A. | Member |
| 7. Shiv Ram Verma, M. L. A. | Do |
| 8. Secretary, District Sainik Board, Karnal | Do |
| 9. District Education Officer, Karnal | Do |
| 10. Principal, Industrial Training Institute, Karnal | Do |

11.	District Welfare Officer, Karnal	..	Member
12.	General Manager, Haryana Roadways, Karnal	..	Do
13.	District Labour Officer, Panipat	..	Do
14.	Director, N.D.R.I., Karnal or his Representative	..	Do
15.	District Public Relation Officer, Karnal	..	Do
16.	S. D. M. (Civil), Panipat	..	Do
17.	District Employment Officer, Panipat	..	Do
18.	District Industries Officer, Panipat	..	Do
19.	Shri Kali Ram, President, Scheduled Caste/ Scheduled Tribes Employees Association, Karnal	..	Do
20.	Principal, Industrial Training Institute, Panipat	..	Do
21.	Chief Medical Officer, Karnal	..	Do
22.	Deputy Registrar, Co-op. Society, Karnal	..	Do
23.	District Employment Officer, Karnal	..	Member-Secretary

2. The object of the Committee would be to advise the District Employment Exchange, Karnal on problems relating to employment creation of employment opportunities and the working of the Employment Service. Its function would be as follows :—

- (i) to review the employment position and assess employment and unemployment trends and suggest measures for expending employment opportunities;
- (ii) to advise on the development of National Employment Service;
- (iii) to advise on deployment of personnel retrenched on the completion of development projects;
- (iv) to consider special programme relating to educated unemployed;
- (v) to advise on the development of the Youth Employment Service and Employment Counselling at Employment Exchanges ;
- (vi) to assess the requirements of trained craftsmen and advise the National Council for Training in Vocational Trades.

3. The term of the office of the Committee would be one year.

4. If a member of the Committee fails to attend two consecutive meetings of the Committee without sufficient cause and without previous intimation to the Chairman, he would be liable to be removed by Government. The members are expected to keep all information of confidential nature secret unless authorised to disclose the same to the public.

No. 12(184)-78-6Lab.—The Governor of Haryana is pleased to constitute the District Committee on Employment, Sonapat, consisting of the following members :—

- | | | | |
|----|---|----|------------------------------|
| 1. | Deputy Commissioner, Sonapat | .. | Chairman |
| 2. | Shri N. K. Kapoor, President,
Manufacturers Association,
Sonapat c/o Rubber Re-claim,
Company of India, Bhalgarh | .. | Employers'
Representative |
| 3. | Shri N. P. Sinha, Personnel Manager
Atlas Cycle Industries, Ltd.
Sonapat | .. | Ditto |
| 4. | Shri J. P. Pathak, President,
Atlas Cycle Industries, Ltd.
Mazdoor Union, Sonapat | .. | Workers'
Representative |

- | | |
|---|---------------------------|
| 5. Shri Devi Singh, President,
Textile Workers Union, Sonapat | .. Workers Representative |
| 6. Shri Kanwar Singh Dahiya, President,
Bhartiya Depressed Classes
Union, Sonapat | .. Member |
| 7. Smt. Shanti Rathi, M.L.A. | .. Do |
| 8. Shri Om Parkash Ranna, M.L.A. | Do |
| 9. Secretary, District Sainik Borad, Sonapat | .. Do |
| 10. Principal, Industrial Training Institute,
Sonapat | .. Do |
| 11. District Welfare Officer, Sonapat | .. Do |
| 12. District Education Officer, Sonapat | .. Do |
| 13. Assistant Employment Officer, Raj | .. Do |
| 14. Assistant Employment Officer, Gohana | .. Do |
| 15. District Employment Officer, Sonapat | .. Member-Secretary |

2. The object of the committee would be to advise the District Employment Exchange, Sonapat, on problems relating to employment, creation of employment opportunities and the working of the Employment Service. Its function would be as follows :—

- (i) to review the employment position and assess employment and unemployment trends and suggest measures for expanding employment opportunities ;
- (ii) to advise on the development of National Employment Service ;
- (iii) to advise on development of personnel retrenched on the completion of development projects ;
- (iv) to consider special programme relating to educated unemployed ;
- (v) to advise on the development of the Youth Employment Service and Employment Counselling at Employment Exchanges ;
- (vi) to assess the requirements of trained craftsmen and advise the National Council for Training in Vocational Trades ;

3. The term of the office of the member of the Committee would be one year.

4. If a member of the Committee fails to attend two consecutive meetings of the Committee without sufficient cause and without previous intimation to the Chairman, he would be liable to be removed by the Government. The members are expected to keep all information of confidential nature secret unless authorised to disclose the same to the public.

The 16th May, 1978

No. 12(121)-78-6Lab.—The Governor of Haryana is pleased to constitute the District Committee on Employment (Mohinderagarh) consisting of the following members :—

- | | |
|---|---------------------------------|
| 1. Deputy Commissioner, Narnaul | .. Chairman |
| 2. Shri M. P. Narula, Proprietor, Jai Deep Industries,
Narnaul | .. Employers'
Representative |
| 3. Director, Aggarwal Metal Works, Rewari | .. Ditto |
| 4. Shri Behari Lal, President, Sweepers Union, Narnaul | .. Workers' Representative |
| 5. General Secretary, Aggarwal Metal Works, Employees'
Union, Rewari | .. Ditto |
| 6. Shrimati Shakuntla Bhgwaria, M. L. A. | .. Member |

7. Rao Dalip Singh, M.L.A.	Member
8. District Employment Officer, Rewari	Do
9. Assistant Employment Officer, Mohindergarh	Do
10. Assistant Employment Officer, Jatusana	Do
11. Executive Engineer (B & R) Rewari	Do
12. Assistant Registrar, Co-operative Societies, Mohindergarh	Do
13. Secretary, District Sainik Board, Narnaul	Do
14. District Welfare Officer, Narnaul	Do
15. Principal, I.T.I. Narnaul	Do
16. District Industries Officer, Narnaul	Do
17. District Education Officer, Narnaul	Do
18. Manager, Rewari Textile Mill, Rewari	Do
19. Chief Medical Officer, Narnaul	Do
20. Executive Engineer, H.S.E.B., Narnaul	Do
21. District Employment Officer, Narnaul	Member-Secretary

2. The object of the committee would be to advise the District Employment Exchange, Mohindergarh, on problems relating to employment, creation of employment opportunities and the working of the employment service. Its function would be as follows :—

- (i) to review the employment position and assess employment and unemployment trends and suggest measures for expanding employment opportunities ;
- (ii) to advise on the development of Employment Services ;
- (iii) to advise on development of personnel retrenched on the completion of development projects ;
- (iv) to consider special programme relating to educated unemployed ;
- (v) to advise on the development of the Vocational Guidance and Employment Counselling at Employment Exchanges ;
- (vi) to assess the requirements of trained craftsmen and advise the National Council for Training in Vocational Trades.

3. The terms of the office of the members of the Committee would be one year.

4. If a member of the Committee fails to attend two consecutive meetings of the Committee without sufficient cause and without previous intimation to the Chairman, he would be liable to be removed by Government. The members are expected to keep all information of confidential nature secret unless authorised to disclose the same to the public.

G. V. GUPTA, Secy.

LABOUR DEPARTMENT

The 20th June, 1978

No. 11(112)-3Lab-78/5808.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/S Rattan Chand Harjas Rai (Mouldings) Pvt., Faridabad.